

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex Parte SHARON M. GORDON, GERALD FRANCIS MCBREARTY,  
SHAWN PATRICK MULLEN and JOHNNY MENG-HAN SHIEH

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Appeal No. 2006-1053  
Application No. 09/478,309

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ON BRIEF

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Before KRASS, MACDONALD and HOMERE, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-9, 17-29, and 37.

The invention pertains to securing cookies in a data processing system, best illustrated by reference to representative independent claim 1, reproduced as follows:

1. A method in a data processing system for providing access to resources within the data processing system, the method comprising the data processing system implemented steps of:

receiving a request from a requestor to access a resource in the data processing system;

sending a first cookie to the requestor in response to the request, wherein the cookie is used to access the resource;

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storing an identification of the requestor and the first cookie to form a stored identification and a stored cookie, wherein the identification of the requestor identifies a particular data processing system from which the request originated;

responsive to receiving a second cookie from a source, comparing an identification of the source and the second cookie with the stored identification and the stored cookie to determine whether the second cookie contains the same information as the first cookie and whether the second cookie was received from the particular data processing system; and

responsive to a match between the identification of the source and the second cookie and the stored identification and the stored cookie, allowing access to the resource.

The examiner relies on the following references:

Broadhurst et al. (Broadhurst)	6,205,480	Mar. 20, 2001 (filed Aug. 19, 1998)
Grantges, Jr. (Grantges)	6,324,648	Nov. 27, 2001 (filed Dec. 23, 1999)

Claims 1-9, 17-29, and 37 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner offers Broadhurst with regard to claims 1-9, 17-29, and 37, but adds Grantges with further regard to claim 18.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

#### OPINION

The examiner applies Broadhurst to the independent claims as follows:

The step of “receiving a request...” is said to be taught at Figure 2, part 100. The step of “sending a first cookie...” is said to be taught at Figure 2, part 108. The examiner then points to parts 112 and 114 in Broadhurst’s Figure 2, in combination with column 4,

lines 42-60, to show that the system is responsive to receiving a second cookie from a source, comparing an identification of the source and the second cookie with the stored identification and the credentials to determine whether the second cookie contains the same information as the first cookie and whether the second cookie was received from the particular data processing system. The examiner also indicates that these portions of Broadhurst show that the system is responsive to a match between the identification of the source and the second cookie and the stored identification and the stored cookie, allowing access to the resource. The examiner further indicates that Broadhurst's system allows access depending on the authentication information responsive to a match between the identification of the source and the second cookie and the stored identification and the stored credentials (see page 4 of the answer).

The examiner recognizes that Broadhurst does not expressly disclose storing the cookie, but contends that Broadhurst does store the credentials that can be formed into a cookie, at column 3, lines 41-48, and does use the user's identity to form a network credential (column 4, lines 20-25).

Therefore, the examiner concludes that it would have been obvious to use the credentials to create a cookie, the motivation being that "this is used in the authentication scheme which allows a user to access numerous protected resources with a single authentication procedure" (answer-page 4), noting column 2, lines 42-48 of Broadhurst.

With specific regard to claim 17, the examiner point to column 3, lines 61-65, of Broadhurst for a showing that the system also includes a database of credentials which performs that function of the cache.

Appellants take the position that Broadhurst does not store and compare both an identification and a cookie and that Broadhurst provides no motivation to modify its described invention in any way to arrive at the instant claimed subject matter.

We have reviewed the evidence before us, including, inter alia, the disclosure of the applied references and the arguments of appellants and the examiner and we conclude therefrom that the examiner has not established a requisite case of prima facie obviousness under 35 U.S.C. § 103.

Taking claim 1 as exemplary, the claims require the storage of both an identification of a requestor (which identifies a particular data processing system) *and* a first cookie (that was sent to a requestor in response to a request to access a resource). When a second cookie is sent from a source, the identification of that source *and* the second cookie are compared to the stored identification *and* the stored cookie to determine whether the second cookie contains the same information as the first cookie *and* whether the second cookie was received from the particular data processing system.

By comparing for both cookies *and* that the cookies came from the same source, the instant invention provides for additional security than is available from Broadhurst. As explained by appellants, at pages 14-15 of the principal brief, this double comparison protects against the possibility that some external system may attempt to intercept a cookie and use

said cookie for nefarious purposes. While the external system in such a case may have the correct cookie to present, access would be denied because the request, or submission of that cookie, did not come from the same data processing system that was issued the original cookie.

Turning, now, to Broadhurst, this reference certainly teaches user authentication for access to resources, but the generated cookie in Broadhurst *is* the user identification. While the information in the cookie is used to obtain authentication data required by a desired application, only the information in the cookie is compared. No separate comparison is made in Broadhurst to determine if the request came from the same source that made the request that generated the original cookie, as in the instant claimed invention.

The examiner argues that the disclosure, by Broadhurst, of authenticating by the use of X.509 certificates, at column 4, lines 6-19, is suggestive of a digital certificate which is used to compare with the user identification. The examiner concludes that this means that a user's identification is stored and used later to compare with a requestor's identification (answer-page 7).

As far as the comparison with a stored cookie is concerned, the examiner contends that while this is lacking in Broadhurst, the modification in Broadhurst needed to arrive at the instant claimed subject matter would have been obvious. In particular, the examiner explains that Broadhurst discloses the storing of credentials that can be formed into a cookie (column 3, lines 41-48). It is the examiner's opinion that this indicates "that even though the information for the cookie does not take the form of a cookie it is indeed stored in the

directory. This makes the information, required to form the cookie, available for transforming into the more identifiable form of a cookie" (answer-page 8).

The examiner's explanation sounds more like a reason the instant claimed subject matter "could" have been obtained, rather than why the artisan "would" have been led to arrive at the instant claimed subject matter. Merely because information in Broadhurst is "available" to form a cookie, whether true or not, does not mean that there is any suggestion in Broadhurst for actually doing so, and then storing the cookie, along with an identification of the requestor for later comparison with a second cookie sent from a source, as claimed.

Moreover, column 3, lines 41-48, of Broadhurst, on which the examiner relies, merely indicates that a directory stores information which allows the user's authentication information to be mapped into a network credential which includes a role of the user, wherein the network credential can be formed into a cookie. However, we agree with appellants (at page 5 of the reply brief), that this indicates that the cookie in Broadhurst, which is the user's authentication information, is formed *after* the user's authentication information is received by Broadhurst's system.

As explained by appellants, at page 5 of the reply brief, independent claims 1 and 21 require "sending a first cookie to the requestor in response to the request, wherein the cookie is used to access the resource; storing an identification of the requestor and the first cookie to form a stored identification and a stored cookie, wherein the identification of the requestor identifies a particular data processing system from which the request originated."

Accordingly, explain appellants, "Appellants' cookie is a resource access and is stored in

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addition to the identification of the requestor.” Broadhurst appears to only maintain the user’s authentication information in the form of a cookie and does not store an identification of the requestor and the first cookie, which is sent to the requestor in response to the request and wherein the cookie is used to access the resource, to form a stored identification and a stored cookie. We agree.

In addition, we agree with appellants (reply brief-page 6) that the cookie created in Broadhurst (a map of the user’s identity to an intermediate identity and a user role both of which are used to form a network credential) is not a cookie sent to the requestor in response to the request, wherein the cookie is used to access the resource separately from the identification of the requestor.

Since Broadhurst does not teach or suggest storing and comparing both an identification of the requestor *and* an associated cookie, required by each and every one of independent claims 1, 17, 21, and 37, we will not sustain the rejection of claims 1-9, 17-29, and 37 under 35 U.S.C. § 103. Further, since Grantges does not appear to provide for the deficiencies of Broadhurst, we also will not sustain the rejection of claim 18 under 35 U.S.C. § 103 over Broadhurst in view of Grantges.

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Accordingly, the examiner's decision is reversed.

**REVERSED**

*Errol A. Krass*)  
ERROL A. KRASS )  
Administrative Patent Judge )  
  
*Allen R. MacDonald*)  
ALLEN R. MACDONALD )  
Administrative Patent Judge )  
  
*Jean R. Homere*)  
JEAN R. HOMERE )  
Administrative Patent Judge )  
)

EK/rwk

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IBM CORP (YA)  
C/O YEE & ASSOCIATES PC  
P.O. BOX 802333  
DALLAS, TX 75380